

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being sent by facsimile to:
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 at:

(703) 872-9306 on 03 January 2005.

Signed:


Paula Faulk Hurley**RECEIVED
CENTRAL FAX CENTER****JAN 03 2005*****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

In re application of: Jefferson G. Shingleton	Attorney Docket No.: PWRL 1030-3
Application No.: 10/802,116	Examiner: Unassigned
Filed: March 16, 2004	Group: 1753
Title: Tracking Solar Collecting Assembly	Confirmation No.: 3332
	Customer No. 22470

INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56.

Enclosed with this statement is a Form PTO/SB/08A. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. 609.

Also enclosed with this statement is a copy of each cited document as required by 37 C.F.R. 1.98. However, since this application was filed after June 30, 2003, copies of U. S. Patents and U. S. Patent Application Publications are not enclosed. (See O. G. Notice of August 5, 2003.)

Also enclosed is a copy of a PCT Search Report mailed 03 December 2004 for a corresponding PCT Application.

This statement should be considered under 37 C.F.R. 1.97(b) because it is being filed before the mailing date of the first Office Action on the merits.

Application No.: 10/802,116

2

Fee Authorization. The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869 (PWRL 1030-3). A duplicate copy of this authorization is enclosed.

Respectfully submitted,
Haynes Beffel & Wolfeld LLP

Date: 03 January 2005

By: 

James F. Hann, Reg. No. 29,719

James F. Hann
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COPY

Please type a plus sign (+) inside this box → ☐

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO			Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Application Number	10/802,116	
			Filing Date	03-16-2004	
			First Named Inventor	Jefferson G. Shingleton	
			Group Art Unit	1753	
			Examiner Name	Unassigned	
Sheet	1	of	1	Attorney Docket Number	PWRL 1030-3

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	3,565,719		Webb	02-23-1971	
	A2	4,429,178		Prideaux et al.	01-31-1984	
	A3	5,505,788		Dinwoodie	04-09-1996	
	A4	5,776,262		Melchior	07-07-1998	
	A5	2003/0005954		Emoto et al.	01-09-2003	
	A6					
	A7					
	A8					
	A9					
	A10					
	A11					
	A12					
	A13					
	A14					
	A15					
	A16					
	A17					
	A18					
	A19					
	A20					

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	To
		Office ²	Number ⁴	Kind Code ³ (If Known)				
	B1							
	B2							
	B3							
	B4							
	B5							
	B6							
	B7							
	B8							
	B9							
	B10							

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
JAMES F. HANN
HAYNES BEFFEL & WOLFELD LLP
PO BOX 366
HALF MOON BAY, CA 94019

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
(day/month/year)

03 DEC 2004

Applicant's or agent's file reference
PWRL 1029-5

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
PCT/US04/07029

International filing date
(day/month/year) 09 March 2004 (09.03.2004)

Applicant
POWERLIGHT CORPORATION

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.
- Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):
- When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.
- Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: +41 22 740 14 35
- For more detailed instructions, see the notes on the accompanying sheet.
2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (703) 305-3230

HAYNES BEFFEL & WOLFELD LLP

Authorized officer

Alan Diamond

Telephone No. 571-272-1700

DEC 06 2004

Form PCT/IB/301 (January 2004)

RECEIVED HAYNES BEFFEL & WOLFELD LLP

HAYNES BEFFEL & WOLFELD LLP

DOCKETED: 12/9/04 BY: [Signature]
ACTION: PCT - Article 19 Amendment

DUE DATE: 2/3/05

DOCKETED: 12/9/04 BY: [Signature]
ACTION: PCT - Comment on Abstract

DUE DATE: 1/3/05

DOCKETED: 12/9/04 BY: [Signature]
ACTION: US - IDS from Foreign Search

DUE DATE: 3/3/05 - Final

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PWRL 1029-5	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US04/07029	International filing date (day/month/year) 09 March 2004 (09.03.2004)	(Earliest) Priority Date (day/month/year) 10 March 2003 (10.03.2003)
Applicant POWERLIGHT CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐

With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)

3. ☐ Unity of invention is lacking (See Box No. III)

4. With regard to the title,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the abstract,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 13



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

Form PCT/ISA/210 (first sheet) (January 2004)

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/07029

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The abstract is too long (PCT Rule 8.1(b)). The abstract must be less than 150 words, or 200 words when no figure is to be published.

NEW ABSTRACT

A modular shade system (60) includes torque tubes, each torque tubes (72), a series of solar tracking panels (64) mounted to the torque tubes to create spaced-apart rows (62) of panels, at least some of the panels being solar collector panels. A shade structure (66) is positioned at a selected location above the support surface so to provide an enhanced shaded region (92) thereunder. A support structure includes a first mounting assembly (68, 70) mounting each torque tube above the support surface for rotation about the torque tube axis and a second mounting assembly (88, 90, 96, 72, 68, 70) supporting the shade structure at the selected location. A tilting assembly (76) selectively rotates each torque tube about its axis. Another aspect of the invention is directed to a modular shade system (10) comprising a support structure (12) defining a shading area (31).

Form PCT/ISA/210 (continuation of first sheet(3)) (January 2004)

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/07029

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : H01L 31/042, 31/04, 31/052

US CL : 136/251, 244, 291, 246

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 136/251, 244, 291, 246

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,505,788 A (DINWOODIE) 09 April 1996 (09.04.1996), column 11, lines 37-67, and Figure 7b.	25-35, 37-46
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Y		36, 47
Y	US 5,776,262 A (MELCHIOR) 07 July 1998 (07.07.1998), column 1, line 35 through column 2, line 62; and Figure 1.	36, 47
X	US 4,429,178 A (PRIDEAUX et al) 31 January 1984 (31.01.1984), column 4, lines 7-49, and Figure 3.	1-24
A	US 3,565,719 A (WEBB) 23 February 1971 (23.02.1971).	1-47
A	US 2003/0005954 A1 (EMOTO et al) 09 January 2003 (09.01.2003).	1-47

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"B" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

15 November 2004 (15.11.2004)

Date of mailing of the international search report

03 DEC 2004

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Alan Diamond

Telephone No. 571-272-1780

Form PCT/ISA/210 (second sheet) (January 2004)